

**Washington County Land Use Authority Meeting**  
**October 26, 2010**  
**(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, October 26, 2010 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Vice Chairman Kim Ford. Commissioners present: Julie Cropper, Debora Christopher, Doug Wilson, Joann Balen and Dave Everett. Also present: Deon Goheen, Planning & Zoning Administrator; John Willie, Senior Planner; Rachelle Ehlert, Deputy Attorney; Todd Edwards, Public Works Engineer; Alan Gardner, County Commissioner; Jim Eardley, County Commissioner; Dean Cox, County Administrator; and Darby Klungervik, Planning Secretary.

Excused: Mike Stucki and Kurt Gardner

Absent: Rick Jones

Audience attendance:

Vice Chairman Kim Ford led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. WORK MEETING:** **STAFF COMMENTS.** Review staff comments for each item listed below. Staff initiated

**Item #2. DISCUSSION ITEM/GENERAL PLAN AMENDMENT.** Review public sections of the General Plan with the County Commission, Washington County General Plan of 2010. County initiated.

The Planner explained in order to move forward on the approval process of the Public Lands phase of the General Plan the following has taken place: 1) Section V11: General Information regarding Private Land in Washington County was taken out of this draft document. This will give the water district time to respond to their issues of concern; 2) a letter and CD of the Public Lands draft portion of the General Plan was sent to all the incorporated cities and towns, with a request for comment (see letter attached); 3) the same format in #2 was given to Pete Kuhlmann, Washington County Emergency Manager to respond to sections relating to fire; and 4) all corrections noted at the previous meeting have been corrected in the newly revised draft copy 10-05-10. At the previous meeting, the County Commission asked for review on the topics below:

- 1) RS2477 Roads included - Review by Ron Whitehead
- 2) Water District Comments - Written comments coming from Barbara Hjelle
- 3) Cities to review
- 4) Review fire sections

Previously, John Willie has presented all the materials on the General Plan for the public lands portion reviewing Section I. Introduction to the General Plan; Section II. General Information regarding Public Lands in Washington County; Section III. The Bureau of Land Management;

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Section IV. The National Forest; Section V. Zion National Park; Section VI. School and Institutional Trust Lands; Section VII. General Information regarding Private Land in Washington County; and Appendix I. General Analysis of Each Wilderness Area, Community Maps and General Plan Map. This has been properly advertised and effected entities notified. The planning commission has made facts and findings recommending approval to the County Commission. This will go before the County Commission after further review.

Dean Cox, County Administrator, spoke on behalf of Pete Kuhlmann who was unable to attend. Mr. Kuhlmann reviewed the fire section of the plan. Mr. Cox gave a brief explanation of Mr. Kuhlmann's experience. Mr. Cox described how the county afforded fire protection to the residents. The county primarily uses fire districts for structural fires; he discussed the different fire districts and the areas they cover. In addition to promoting fire districts to provide fire protection for the unincorporated areas, the county also participates in the Wildland Fire Fund. This is a special fund set up by the State of Utah. It is a shared risk pool, where each county that participates pays into that fund and we simultaneously contract with the Division of Forestry Fire and State Lands, for Wildland fire protection on private property. By contracting with the state, if we have a fire, the state contracts with the special service districts and even the municipalities for additional resources if the resources we deploy are inadequate. It is a comprehensive approach that allows the county to respond effectively in the event of a structural or Wildland fire. Mr. Cox has asked Mr. Kuhlmann to summarize, in the General Plan, the county's plan to respond and react to fire incidences. Mr. Cox explained the mutual aid agreement the county has with the municipalities. He described the fire that occurred in New Harmony and said all the surrounding communities arrived to help and the county never received a bill, which is why the mutual aid agreement is beneficial. He explained how volunteer fire departments work and how they are funded and who excepts financial liability for the different types of fires, depending on the resources used. He went on to explain the county's emergency response plan, including that because it is updated more often than the General Plan it should not be included in the General Plan rather referenced.

The Planning Commission, Staff and the County Commissioners discussed the Army Corps of Engineers and the new RG40 permit. County Commissioner Jim Eardley explained that it literally puts every dry wash in the county under the control of the Army Corps of Engineers, which would require the county to get a permit to clean those washes out. He described the problems created by this permit and the efforts of the county to resolve these issues.

It was agreed that the county is ready to move forward with the General Plan as soon as the material from Pete Kuhlmann is received. Also, if the commission still has concerns, we will need information from Ron Whitehead on the RS2477 roads.

**Item #3. DISCUSSION ITEM/WIRELESS COMMUNICATION FACILITIES.** Review and consider amendment on wireless telecommunication facilities to establish minimum requirements and regulations of such systems, Chapter 21 of the Washington County Zoning Ordinance. County initiated.

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The Planner said you may recall the County Deputy Attorney, Rachelle Ehlert has been working with the planning commission on this ordinance for the past 7 months, since the implementation of pending Land Use Ordinance Review presentation on wireless communication facilities on March 9, 2010. This amendment will be for wireless communication facilities Chapter 21 of the Washington County Zoning Ordinance. Rachelle provided ordinance samples via e-mail and has recommended something similar to what St. George City has recently adopted. Staff agrees that these changes could be reviewed by going directly to the advertising process for a hearing on the 9<sup>th</sup> of November.

The Planning Commission and Staff discussed wireless communication facilities. Commissioner Ford suggested adding language to the ordinance to encourage collocation. Dean Cox expressed concerns about collocation. Commissioner Everett suggested adding tower locations to the county map. The Deputy Attorney asked the commission to decide if they want to restrict towers from particular zones. The commissioners decided they would like more time to review St. George City's ordinance, as well as the case law provided by the Deputy Attorney. They will prepare to make comments and suggested changes at the next meeting.

**Item #4. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on October 19, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Civil Attorney; Blair Gubler, Ash Creek Special Service District Director; and Becky Marchal, Questar Preconstruction Specialist;

Excused: Ron Whitehead, Public Works Director; Tina Esplin, Washington County Water Conservancy District; Robert Beers, Southwest Utah Public Health Department; and Paul Wright, Department of Environmental Quality.

**CONDITIONAL USE PERMIT EXTENSION:**

A. Request permission to build a accessory dwelling (detached RV garage & casita) within the RA-1 zone, Cliffdwellers, Phase 2 , Lot 40. Reid and Rose Russell, applicants.

This is the 3<sup>rd</sup> extension and accessory dwellings are conditionally approved within the RA-1 zone, with this property being a legally platted and recorded lot. The applicant previously met the requirements for the accessory dwelling units, although, it appears that no building permit as been taken out as yet. The applicant previously submitted a site plan, and a letter from the Health Department stating that the existing system is sufficient for the proposed building or a new system may be obtained. The main dwelling unit is occupied by the owner of the parcel and dwelling units will have a single utility connection. The property is accessed from 1100 West and 3390 South. The site plan meets all setback requirements and elevations meet the height requirements. The owner indicated prior to the meeting last year that they had done some excavation and soil tests, but with the economy the way it is, does not allow for them to continue at present. Not having a

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borrow ditch has created a drainage problem and with that now designed, they may need to amend their site plan. **Once again, Staff indicated the initial work that went into applying for the conditional use should be enough to keep the use active, there should be no problem in granting an extension for the period of one year on this Conditional Use.**

**LOT LINE REVIEW:**

A. Request recognition for two lots, which were created in a 1870 Land survey by Joseph Gordinski and recorded on January 24, 1920, the area contained 238.18 acres described as six (6) lots. Lots 4 and 5 are in Section 10, Township 38 South, Range 12 West, was transferred from BLM to private land located north of New Harmony in the unincorporated area of Washington County. Steve Williams, applicant.

The applicant submitted plat maps of the area surveyed showing a rendering of the sections involved and explained the history on the surrounding properties that were once a part of The United States of America Bureau of Land Management properties. The survey included the entire Township 38 South and Range 13 West of the Salt Lake Base & Meridian, Utah. In the 90's Prince sold lots 4 and 5 to Steve Williams (July 10, 1992), who wants to sale these as separate parcels each containing 30 + acres and meeting the requirements of the zoning district OST-20. A new deed has been recorded creating a separate account and Tax ID for lot 5. The configuration of the lots is the same as it was in the 70's, when the zoning ordinance was adopted and what they consist of now showing the dashed line on the plat map. If recognized, the applicant would like to have the option to sell off the parcels in the future. **Staff said there should be no problem in recognizing the lots as recorded in the 20's with the research that was presented and no new lots being created.**

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**Item # 5. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on October 19, 2010, beginning at 4:00 p.m.: (a) Conditional use extension to mine cinders and operate a crushing operation at a community materials pit on BLM (Bureau of Land Management) land located near the town of Veyo...Sunroc Corp, applicant; (b) Conditional use extension on a gravel crusher at the Sorensen Pit within the M-1 zone, generally located 1 mile south of the Washington County Landfill...Western Rock Products/Bob Roth, applicant; and (c) Conditional use permit to construct a chlorination building on property located off Hwy 18 and at Frontier Rd. in Central. Dixie Deer Special Service District, applicant and Cindy Taylor Trucking & Construction, Inc., agent

**The Planner informed the commission that all three (3) of these Conditional Use Permits were approved by the County Commission based on the recommendations of the Planning Commission.**

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**Item #6. COMMISSION & STAFF REPORTS:** General reporting on various topics. County initiated.

**Commissioner Balen made a motion to adjourn the meeting. Commissioner Cropper seconded the motion, with all five (5) commissioners voting aye. Vice Chairman Kim Ford adjourned the meeting at 2:55 p.m.**

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Darby Klungervik